



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sterling Institute

File: B-223729

Date: October 3, 1986

DIGEST

1. Rejection of protester's quotation to provide training services is reasonable where quotation failed to propose personnel with expertise required by the request for quotations to perform a material task.
2. There generally is no obligation to conduct discussions under small purchase procedures.

DECISION

The Sterling Institute protests the rejection of its quotation under request for quotations (RFQ) No. 86-OAM/PB-011 issued by the General Accounting Office (GAO) to acquire the training of GAO employees to conduct an Equal Employment Opportunity (EEO) course. The RFQ was issued under small purchase procedures for the procurement of services or supplies in an amount not expected to exceed \$25,000. See Federal Acquisition Regulation, 48 C.F.R. subpart 13.1 (1985). The protester contends that GAO improperly rejected its proposal and that GAO intends to issue a delivery order to Terence R. Simmons Associates (Simmons), based on requirements and technical evaluation factors that were not stated in the RFQ, at a quoted price (\$9,950) approximately 66 percent higher than Sterling's price (\$5,950).

We deny the protest.

The RFQ stated that its objective was "to acquire the services of an EEO expert to review GAO's internally developed EEO Education Workshop, to make minor revisions to course content and materials (if warranted), and to train staff members to teach the workshops." The specific deliverable tasks were, first, to assist GAO in making minor revisions of the present EEO Education Workshop's content and design and/or to update agreed upon GAO or related examples, and, second, to design and instruct up to a 5-day Training-of-Trainers Workshop for approximately 30 GAO employees to enable them to present

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effectively and confidently GAO's internally-developed EEO course. The RFQ listed seven objectives of the Training-of-Trainers Workshop, mostly dealing with effective teaching techniques; one objective involved the trainers' becoming familiar with EEO concepts. The RFQ did not expressly identify any evaluation criteria.

Sterling's quotation offered the services of individuals who were experienced in conducting EEO educational programs for the Department of Labor (DOL), although their experience did not involve actually training people to conduct the programs. Sterling's proposed personnel did not specialize in EEO matters, but in management and personnel training, and it appears that DOL was chiefly responsible for the EEO course material.

GAO determined that Sterling's quotation was unacceptable because it failed to offer an individual with EEO expertise who could advise GAO of recent developments. GAO also found that the proposal unacceptably failed to include either a detailed explanation of how Sterling would accomplish the training objectives or evidence of prior experience and expertise in training instructors. In its report on the protest, GAO points out that, in comparison, Simmons offered an individual with many years of experience in EEO matters. The report also points out other strengths of Simmons' quotation relative to Sterling's, such as Simmons' proposal to study GAO's particular situation by interviewing and analyzing GAO statistics for the purpose of revising GAO's course.

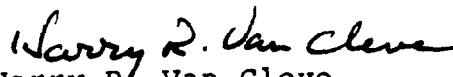
The protester contends that the RFQ did not indicate the need for an EEO expert to keep GAO abreast of recent EEO developments, and that its purpose was to acquire training of GAO employees to effectively conduct a course, as indicated by the fact that six of the seven objectives for the Training-of-Trainers Workshop concerned teaching techniques. Sterling also complains that its proposal was unfairly evaluated in comparison to proposed tasks in Simmons' proposal that were not requested by the RFQ, such as interviewing GAO personnel and analyzing its statistics. In this regard, Sterling argues that the evaluation should have been confined to the tasks listed in the RFQ, and that Sterling's price should have been given more weight in the evaluation since the RFQ did not mention technical evaluation factors.

We find the protester's position to be without merit because it does not take into account the RFQ's express language stating that an objective of the RFQ was to obtain an EEO expert and that a required task was to assist GAO in making minor revisions of the present EEO Education Workshop's content and design and/or update agreed upon GAO or related examples. By neglecting to propose an individual with EEO

expertise for this task, Sterling ran the risk that its quotation would be evaluated as it was. Certainly, given the objective and tasks set forth in the RFQ, we cannot say that the contracting officials acted unreasonably in rejecting Sterling's proposal as unacceptable without regard to price. See Venram Inc., B-214657, July 2, 1984, 84-2 CPD ¶ 7.

Sterling also protests that GAO should have discussed the perceived deficiencies and given Sterling an opportunity to revise the quotation. There is no requirement for discussions in small purchase procedures, however, see Federal Acquisition Regulation, 48 C.F.R. subpart 131 (1985), except, unlike here, where the agency conducts discussions with one source or materially revises the basis for competition. See Le Prix Elec. Distributions, Ltd., B-213303, June 18, 1984, 84-1 CPD ¶ 634.

The protest is denied.


Harry R. Van Cleve
General Counsel